

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

13 CCR, CHAPTER 10, SECTION 1800 CONFLICT OF INTEREST CODE FOR THE CALIFORNIA HIGHWAY PATROL (CHP-R-07-01)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations relating to the Conflict of Interest Code.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

The Appendix to Section 1800, Title 13, California Code of Regulations, lists the positions subject to reporting requirements of the CHP's Conflict of Interest Code and defines the disclosure categories. This amendment replaces the Appendix with Appendix A and Appendix B as follows:

1. Appendix A lists designated positions, formatted to coincide with the CHP's organization chart. In most cases, specific position titles are used in each respective office/Division within the CHP. Disclosure categories have been assigned in accordance with Appendix B for each of the designated positions based on the level of decision-making authority or participation in decision-making.
2. Appendix B lists the disclosure categories developed using the Fair Political Practices Commission approved "Model."

PUBLIC COMMENTS

Any interested person may submit written comments on the proposed action via facsimile at (916) 375-2199 or by writing to:

California Highway Patrol
Selection Standards and Examinations Section
ATTN: Conflict of Interest Filing Officer
P. O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until November 6, 2007.

PUBLIC HEARINGS

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Selection Standards and Examinations Section (SSES), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text in strikeout/underscore format. Requests to review or receive copies of this information should be directed to Ms. Cheryl Walker, commander of SSES, at the foregoing address or by calling (916) 375-2180. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call (916) 445-1865, for an appointment.

All documents regarding the proposed action are also available through our website at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

QUESTIONS

Any questions concerning the contents of the proposed regulations should be directed to Ms. Cheryl Walker, commander of SSES, or Ms. Debbie Schmick at (916) 375-2180.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantial in nature, the full text of the proposed regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no increased nondiscretionary or reimbursable costs or savings to any local agency, school district, state agency or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or

create or expand businesses in the State of California; and (5) will not result in any significant cost to private persons or entities.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. This proposed regulatory action makes only technical, non-substantive or clarifying changes to current law and regulations.

ALTERNATIVES

This regulatory action is being taken pursuant to Vehicle Code Section 2402 and Government Code Section 87300. In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

PLAIN ENGLISH STATEMENT

Preparation of the proposed amendment included consideration of the “Plain English” requirement. Any technical terms that may be unfamiliar to the intended users are defined and explained.

AUTHORITY

This regulatory action is being taken pursuant to Government Code Section 87306.

REFERENCE

This action implements, interprets, or makes specific Government Code Section 87300.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
S. VAUGHN, Chief
Enforcement Services Division